



Paper No. 24

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CANADA

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APR 30 2004

**OFFICE OF PETITIONS
ON PETITION**

In re Application of
Spraggs
Application No. 09/554,419
Filed: May 11, 2000
Attorney Docket No. PA1065US
For: SYSTEM AND METHOD OF SENDING
AND RECEIVING SECURE DATA WITH A
SHARED KEY

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed December 24, 2003 and supplemented on March 5, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to properly reply to the final Office action, mailed July 3, 2002. Petitioner filed an amendment after final on October 21, 2002 (certificate of mailing date September 27, 2002). The amendment after final failed to place the above-identified application in *prima facie* condition for allowance, as was stated in the October 30, 2002 Advisory Action. This application became abandoned on October 4, 2002. On November 7, 2002, the Office granted a request by the attorneys of record to withdraw from representation. On January 21, 2003, a Notice of Abandonment was mailed. Applicant's petition to revive under 37 CFR 1.137(a), filed April 8, 2003, was dismissed on May 19, 2003 for failure to submit a proper reply and failure to show that the entire delay in responding to the July 3, 2002 final Office action was unavoidable. Applicant's petition under 37 CFR 1.137(b), filed June 30, 2003, was dismissed on July 8, 2003 for failure to submit a proper reply and failure to submit the full petition fee.

Petitioner has submitted an amendment after final that places the application in *prima facie* condition for allowance, the petition fee, and an acceptable statement of the unintentional nature of the delay in responding to the July 3, 2002 final Office action.

The petition under 37 CFR 1.137(b) is **GRANTED**.

Regarding finances, it appears that petitioner's credit card has been charged \$640.00 and \$650.00 towards the \$665.00 petition fee. Accordingly, petitioner's credit card will be credited \$625.00.

After this decision is mailed, the application will be returned to Technology Center 2100.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
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Office of Petitions